**THE HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.17535 of 2007**

**Dated:20.08.2007**

**Between:**

A.Jyothi Devi, W/o.Narsaiah,
and others.

…Petitioners

and

The District Collector,
Warangal District, Warangal,
and others.

…Respondents

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**ORDER:**

The three petitioners jointly purchased an extent of land admeasuring Ac.0.10½ guntas in Survey Nos.645 and 679/B situated at Ursu Village of Hanamkonda Mandal in Warangal District under registered sale deed dated 20.04.1981 from one Gujjari Lakshmi. They also own other extent of Ac.1.27 guntas of land in Survey Nos.644, 645 and 646, where they allegedly raised Orchard consisting of Black Berry, Guava, Mango, Pomegranate, Coconut etc. They approached this Court alleging that on 10.08.2007 respondents 2 and 3 surveyed the land informing that it is a land, which is declared as surplus land under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'), and that possession is being taken. The petitioners allege that no notice was issued to them either under Section 10(5) or 10(6) of the Act, and that before purchasing the land they obtained necessary clarifications and No Objection Certificates from the competent authorities. They seek a writ of mandamus declaring the action of the respondents in trying to dispossess them as illegal and arbitrary.

After hearing the learned Counsel for the petitioners and perusing the documents filed in support of the petition allegations, this Court is of considered opinion that if notice under Section 10(5) or 10(6) of the Act is not issued to the petitioners, the respondents cannot dispossess the petitioners even if it is declared as ceiling surplus.

Therefore, the Writ Petition is disposed of with an observation that the respondents may take necessary action in accordance with law after giving notice to the petitioners. No costs.

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(V.V.S.RAO, J)

20.08.2007

Note: Issue C.C in three days.

B/o.

vs